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The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

Identical notes verbales dated 15 November 2009 from the Permanent Mission of Honduras to the United Nations addressed to the Secretary-General and the President of the General Assembly

The Permanent Mission of the Republic of Honduras presents its compliments to the Secretary-General of the United Nations and the President of the sixty-fourth session of the General Assembly and has the honour to transmit for their information the attached letter addressed by His Excellency Mr. José Manuel Zelaya Rosales, Constitutional President of the Republic of Honduras, to Mr. Barack Obama, President of the United States of America (see annex).

The Mission also requests that this letter and its annex be distributed to all the State Members of the United Nations, under item 20 of the agenda of the sixty-fourth session of the General Assembly.

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Annex to the note verbale dated 15 November 2009 from the Permanent Mission of Honduras to the United Nations addressed to the Secretary-General and the President of the General Assembly

Tegucigalpa, 14 November 2009

Dear President Obama,

When we first met with Secretary of State Clinton on 8 July 2009 after the coup d'état, it was made clear to me and to the world that the position of the Obama Administration was to condemn the coup, refuse to recognize its authorities and demand a return to the rule of law with the reinstatement of the President elected by the people.

Your Government's official position was consistent with that of its representatives who sponsored and supported the resolutions of the United Nations and the Organization of American States (OAS), including paragraph 3 demanding my immediate and safe return and reinstatement.

On 28 June 2009, the armed forces kidnapped me and exiled me to Costa Rica. The Congress of the Republic issued an illegal decree ordering the "removal of citizen José Manuel Zelaya Rosales from the office of Constitutional President of the Republic", without having the constitutional authority to do so, without due process and without my being summoned to any trial.

At that first meeting with Secretary of State Hillary Clinton, it was proposed to me that Oscar Arias, President of Costa Rica, should act as mediator. While I think that it is counterproductive to hold a dialogue with people who have a weapon in their hands, I agreed because such mediation would have the backing of the United States and the international community.

In a communiqué dated 4 September 2009, Secretary of State Hillary Clinton said that "the positive conclusion of the process initiated by President Arias would be the appropriate basis for proceeding with a legitimate election".

Everyone knows that without the visit to Honduras by Thomas Shannon, Assistant Secretary of State for Western Hemisphere Affairs, Daniel Restrepo and Craig Kelly, the de facto regime would not have signed the Agreement. We all know why the Tegucigalpa-San José Agreement was broken.

President Arias himself revealed the truth when he said that "Micheletti was never prepared to cooperate; on the contrary, he was making a mockery of the international community and simply playing for time to avoid ever having to hand over power to the person entitled to it".

Former Chilean President Ricardo Lagos, a prominent member of the international Verification Commission, confirmed this when he said that "Mr. Micheletti broke the Agreement" and that "Micheletti did things he should not have done, such as saying he would form a unity government without Zelaya", which is why the negotiated Agreement collapsed.

On the very day when the Verification Commission for the Agreement was being set up in Tegucigalpa, we were surprised to hear State Department officials make statements in which they changed their position and interpreted the Agreement

unilaterally, saying that "the United States would recognize the elections with or without reinstatement". The de facto regime celebrated this change and used these statements for its own ends, immediately violating the Agreement rather than complying with it.

For the above reasons, we state the following:

- *The Tegucigalpa-San José Agreement is now null and void because of the de facto government's unilateral failure to comply with it.* The Agreement was designed to be implemented fully and simultaneously; it was not envisaged as two separate agreements but as a single, 12-point agreement with one sole purpose, to restore democracy and social peace and thereby reverse the coup d'état, meaning that the lawfully and popularly elected President of the Republic could return in safety. That in turn would promote a climate of national reconciliation, followed by clean constitutional elections, with guarantees of equal and free participation for all citizens of Honduras.

- *The forthcoming elections were to have been conducted within a legal framework and with international backing, especially OAS and United Nations backing, and in the absence of these political conditions and minimum citizens' rights, a free and transparent result cannot be guaranteed.* In this connection, I wish to note that the new position taken by United States Government officials sidesteps the original aim of the San José dialogue, relegating to second place an Agreement with the lawfully recognized Government and attempting to transfer that Agreement to a new electoral process, regardless of the conditions in which it is conducted: among other things, with public resources authorized by public officials who are not legally recognized and allocated from a budget that has not been authorized by the lawfully recognized President.

  In these circumstances, the elections and hence their outcome will be challenged and will not be recognized, seriously threatening the future stability of relations between Honduras and the other nations that recognize its results.

As I have told OAS Secretary-General José Miguel Insulza, a political climate for elections does not exist and, as observed and noted by United States Congresswoman Jane Sharkosky on her recent visit to our country, there is a confirmed climate of human rights violations in Honduras.

On 6 November, we communicated our refusal to continue with the fake dialogue. Accordingly, with the expiry of the deadline, the Agreement is a dead letter and without effect, since an agreement must be complied with on time and in due form. For us, the Agreement's violation by the de facto regime is grounds for determining that the Agreement has ceased to exist.

Precious time has undoubtedly been wasted on this failed attempt.

The presidential election is currently scheduled for the last week in November. In this case, as Constitutional President and as a citizen who represents and was elected democratically by the people of Honduras, I find myself compelled to state that we cannot support an election held under these conditions and will contest it legally on behalf of thousands of Hondurans and hundreds of candidates who feel that this electoral contest is unequal and that the conditions for participating freely do not exist.

- Because of the repression to which the Honduran people are currently subjected, because in Honduras not even the highest authority of the President of the Republic is respected and because in this country the fact that in three years I achieved the best economic indicators and the greatest reduction in poverty in 28 years of democratic government is ignored. Because I was overthrown by force of arms, was never brought to trial or given due process and now have 24 charges and arrest warrants against me for, among other things, drug trafficking, corruption and terrorism, and most of my cabinet ministers are facing political persecution and fleeing from the regime to different parts of the Americas.

- Some 3,500 people have been detained in 100 days, more than 600 injured and beaten in demonstrations, more than 100 murdered and countless numbers of citizens tortured for daring to oppose the regime and voice their ideas of freedom and justice in peaceful demonstrations, all of which makes the November elections an anti-democratic exercise in view of the situation of illegality and the uncertainty and military intimidation faced by large sectors of our people.

- To hold elections in which the President elected by the people of Honduras and recognized by his Government and by the international community is a prisoner, surrounded by soldiers in Brazil's diplomatic compound, and the de facto President imposed by the armed forces is surrounded by the powerful in the government building will be a source of lasting shame for Honduras and a disgrace for the democratic peoples of the Americas.

- This electoral process is illegal because it covers up the military coup and the de facto situation in Honduras, does not offer guarantees of equality and freedom for the civic participation of all Hondurans and is an anti-democratic electoral manoeuvre repudiated by large sectors of the people and designed to aid and abet the perpetrators and instigators of the coup d'état.

- Elections are a process, not just a day on which people go to vote; they involve debate, the putting forward of ideas, equality of opportunity.

- In my capacity as President elected by the Honduran people, I reaffirm my decision that henceforth, come what may, I SHALL NOT ACCEPT any agreement to return to the Presidency that would make me complicit in the coup d'état, which we know is having a direct impact on the human rights of the inhabitants of our country through the military repression it has unleashed.

Mr. President,

At the Summit of the Americas held in Trinidad and Tobago earlier this year, which I attended, you said that we should "stop blaming America for the things it did in the past in the hemisphere and deal with the future". The future that the United States is now showing us by altering its position in the case of Honduras and thereby encouraging the military classes' abusive intervention in the civic life of our State (a historical cause of the backwardness and stagnation of our countries in the twentieth century) is simply the end of freedom and a contempt for human dignity, it is a new war against the much-needed social and democratic reform processes in Honduras.

President Obama,

Each time a lawfully elected government is overthrown in the Americas, it is a victory for violence and terrorism and a defeat for democracy.

We still refuse to believe that this military coup d'état in Honduras represents the new State terrorism of the twenty-first century and will be the future for Latin America of which you spoke to us in Trinidad and Tobago.

We are resolute and determined to fight for our democracy without concealing the truth, and when a people decide to struggle peacefully for their ideas, there is no weapon, no army and no manoeuvre than can stop them.

I await your early reply and give you renewed assurances of my highest consideration.

(*Signed*) José Manuel **Zelaya Rosales**
President of the Republic of Honduras